PATENT COOPERATION TREATY

From the INTERNATIONAL PRELIMINARY EXAM	MINING AUTHORITY	MLIH			
To: CARL E. MOORE (JR.) MARSHALL, O'TOOLE, GERS BORUN			PCT		
6300 SEARS TOWER	RECEIV	ED	WRITTEN OPINION		
233 S, WACKER DRIVE CHICAGO, IL 60606-6042	APR 1 9 2	1.11	(PCT Rule 66)		
	MARSHALL O'T	OOLE			
		Date of Mailing (day/month/year)	13 APR 2001		
Applicant's or agent's file reference			ithin TWO months		
29171/36823 International application No.	International filing date		om the above date of mailing		
PCT/US00/13283	16 MAY 2000	: (uay/monin/year)	Priority date (day/month/year) 17 MAY 1999		
International Patent Classification (IPC)		Pation and IDC			
IPC(7): G01N 21/00 and US Cl.: 35	6/237.1, 237.2, 237.3,	318, 345, 375, 403	Docketed: (6/13/01)		
Applicant FLORIDA INTERNATIONAL UNIVE	ERSITY				
1. This written opinion is the first	(first, etc.)	frawn by this Internal	ional Preliminary Examining Authority.		
2. This opinion contains indications rela	ating to the following ite	ems:			
I X Basis of the opinion					
II Priority					
III X Non-establishment of opinion with regard to novelty, inventive step or industrial applicability					
IV Lack of unity of inver		•	17		
V Reasoned statement un citations and explanati	der Rule 66.2(a)(ii) with one supporting such state	h regard to novelty, i	nventive step or industrial applicability;		
VI Certain documents cited					
VII Certain defects in the international application					
VIII Certain observations on the international application 3. The applicant is hereby invited to reply to this opinion. [coketed: 6/3/00]					
When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension see Rule 66.2(d).					
	· · · · · · · · · · · · · · · · · · ·				
Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.					
If no reply is filed, the international					
4. The final date by which the internation examination report must be established	onal preliminary ed according to Rule 69	.2 is: 17 SEPTEMB	ER 2001		
	T T				
Name and mailing address of the IPEA/U Commissioner of Patents and Tradema	i	Authorized officer	Sharina Hoppe		
Box PCT Washington, D.C. 20231		MICHAEL P. ST	TAFIRA		
Facsimile No. (703) 305-3230 Telephone No. (703) 308-4837					

Form PCT/IPEA/408 (cover sheet) (July 1998) *

International application No.

PCT/US00/13283

I. Basis of the opinion					
1. With regard to the elements of the interna	ational application:*				
X the international application as	••				
x the description:					
pages1-16	, as originally filed				
pages NONE	, as originary fried				
pages NONE	, filed with the letter of				
x the claims:					
1 0	, as originally filed				
pages NONE pages NONE	, as amended (together with any statement) under Article 19				
	, filed with the letter of, filed with the demand				
pages	, fried with the letter of				
X the drawings:					
pages1-10	, as originally filed				
pages NONE	filed with the demand				
pages NONE	, filed with the letter of				
X the sequence listing part of the d	escription:				
pages NONE	, as originally filed				
pages NONE	, filed with the demand				
pages NONE	, filed with the letter of				
	he international application (under Rule 48.3(b)).				
or 55.3).	ished for the purposes of international preliminary examination (under Rules 55.2 and/				
3. With regard to any nucleotide and/or a	mino acid sequence disclosed in the international application, the written opinion was				
drawn on the basis of the sequence listi	ing:				
contained in the international ap	oplication in printed form.				
filed together with the international application in computer readable form.					
furnished subsequently to this A	uthority in written form.				
furnished subsequently to this Authority in computer readable form.					
The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.					
The statement that the information is been furnished.	recorded in computer readable form is identical to the writen sequence listing has				
4. X The amendments have resulted in	in the cancellation of:				
X the description, pages	NONE				
X the claims, Nos.	NONE				
X the drawings, sheets/fig_	NONE				
	some of) the amendments had not been made, since they have been considered to go adicated in the Supplemental Box (Rule 70.2(c)).				
	ned to the receiving Office in response to an invitation under Article 14 are referred to				

International application No. PCT/US00/13283

III.	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
l. The	questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be astrially applicable have not been and will not be examined in respect of:
	the entire international application.
x	claims Nos. <u>37-39</u>
	because:
	the said international application, or the said claim Nos. relate to the following subject matter which does not require international preliminary examination (specify).
X	the description, claims or drawings (indicate particular elements below) or said claims Nos. 37-39 are so unclear that no meaningful opinion could be formed (specify).
Claim	as 37-39 could not be examined because they depend on another multiple dependent claim under PCT Rule 6.4(a).
	the claims, or said claims Nos are so inadequately supported by the description that no meaningful opinion could be formed.
	no international search report has been established for said claims Nos
	ten opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard led for in Annex C of the Administrative Instructions:
	the written form has not been furnished or does not comply with the standard.
	the computer readable form has not been furnished or does not comply with the standard.

International application No.

PCT/US00/13283

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement				
statement				
Novelty (N)	Claims	1-36	_ \	
* * *		NONE	_ '	
Inventive Step (IS)	Claim -	1.26	_	
inventive step (13)	Claims Claims	1-36 NONE	_ '	
		NONE	_ '	
Industrial Applicability (IA)	Claims	1-36		
11 - 5 (- 5		NONE	,	
 NONE				
NONE				
		•		
		·		

International application No.

PCT/US00/13283

Supplemental Box	Sui	oblen	iental	Box
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(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

PATENT COOPERATION TREATY

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	WIPO	DCT

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference				
29171/36823	FOR FURTHER ACTION	See Notif Preliminary	ication of Transmittal of International Examination Report (Form PCT/IPEA/416)	
International application No.	International filing date (day/n	nonth/year)	Priority date (day/month/year)	
PCT/US00/13283	16 MAY 2000		17 MAY 1999	
International Patent Classification (IPC) IPC(7): G01N 21/00 and US Cl.: 356.	or national classification and IF /237.1, 237.2, 237.3, 318, 345, 37	C 5, 403		
Applicant				
FLORIDA-INTERNATIONAL UNIVI	ERSITY			
1. This international prelimin Examining Authority and is	ary examination report has transmitted to the applicant	been prepar according to	red by this International Preliminary o Article 36.	
2. This REPORT consists of a	total of sheets.			
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which hav been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).				
These annexes consist of a tot	al of sheets.			
3. This report contains indication	s relating to the following it	ems:		
I X Basis of the repor	rt			
II Priority				
III X Non-establishment of report with regard to novelty, inventive step or industrial applicability				
IV Lack of unity of i	invention			
V X Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability citations and explanations supporting such statement				
VI Certain documents of	cited			
VII Certain defects in the	he international application			
VIII Certain observations	s on the international applicati	on		
	FP			
			j	
Dott of which it is full at				
Date of submission of the demand	Date of	completion of	of this report	
29 JANUARY 2001	26 1	NOVEMBER	2001	
Name and mailing address of the IPEA/U		zed officer	Chridal K	
Commissioner of Patents and Trademar Box PCT	1	MICHAEL P. STAFIRA		
Washington, D.C. 20231				
Facsimile No. (703) 305-3230 Telephone No. (703) 308-4837				

Form PCT/IPEA/409 (cover sheet) (July 1998)★

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/13283

		international application:* tion as originally filed		
	cription:	tion as originally inca		
	1-16			, as originally filed
pages_	NONE			filed with the demand
pages _	NONE		, filed with the letter of $$	
x the clai				
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With regard to	the language, all the	e elements marked above	were available or furnished to the	ais Authority in the language in which
the internation These element	s were available or	furnished to this Authority	ated under this item. in the following language	which is:
				nis Authority in the language in which ———————————————————————————————————
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/13283

indu	questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to estrially applicable have not been and will not be examined in respect of:
	the entire international application.
X	claims Nos. <u>37-39</u>
	because:
	the said international application, or the said claim Nos. relate to the following subject matter which does not require international preliminary examination (specify).
X	the description, claims or drawings (indicate particular elements below) or said claims Nos. <u>37-39</u> are sunclear that no meaningful opinion could be formed (specify).
Clan	ms 37 - 39 could not be examined because they are improper multiple dependent claims under PCT Rule 6.4(a).
	the claims, or said claims Nos are so inadequately supported by the description that no meaningfu opinion could be formed.
	no international search report has been established for said claims Nos
2. A me	caningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino- ence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
2. A me	eaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino a sence listing to comply with the standard provided for in Annex C of the Administrative Instructions: the written form has not been furnished or does not comply with the standard.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US00/13283

1. statement		
Novelty (N)	Claims	1-36
	Claims	NONE
Inventive Step (IS)	Claims	1-36
	Claims	NONE
Industrial Applicability (IA)	Claims	1-36
	Claims	NONE
NONE		
·		

FOR THE PURPOSES OF INFORMATION ONLY

Codes used to identify States party to the PCT on the front pages of pamphlets publishing international applications under the PCT.

AL	Albania	ES	Spain	LS	Lesotho	SI	Slovenia
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ΑZ	Azerbaijan	GB	United Kingdom	MC	Monaco	TD	Chad
BA	Bosnia and Herzegovina	GE	Georgia	MD	Republic of Moldova	TG	Togo
$\mathbf{B}\mathbf{B}$	Barbados	GH	Ghana	MG	Madagascar	ТJ	Tajikistan
BE	Belgium	GN	Guinea	MK	The former Yugoslav	TM	Turkmenistan
BF	Burkina Faso	GR	Greece		Republic of Macedonia	TR	Turkey
BG	Bulgaria	HU	Hungary	ML	Mali	TT	Trinidad and Tobago
ВJ	Benin	IE	Ireland	MN	Mongolia	UA	Ukraine
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CM	Cameroon		Republic of Korea	PL	Poland		
CN	China	KR	Republic of Korea	PT	Portugal		
CU	Cuba	KZ	Kazakstan	RO	Romania		
CZ	Czech Republic	LC	Saint Lucia	RU	Russian Federation		
DE	Germany	LI	Liechtenstein	SD	Sudan		
DK	Denmark	LK	Sri Lanka	SE	Sweden		
EE	Estonia	LR	Liberia	SG	Singapore		

INTERNATIONAL SEARCH REPORT

International application No. PCT/US00/13283

A. CLASSIFICATION OF SUBJECT MATTER					
IPC(7) :G01N 21/00					
US CL :356/237.1, 237.2, 237.3, 318, 345, 375, 403					
According to International Patent Classification (IPC) or to both national classification and IPC					
B. FIELDS SEARCHED					
Minimum documentation searched (classification system followed by classification symbols)					
U.S. : 356/237.1, 237.2, 237.3, 318, 345, 375, 403					
Documentation searched other than minimum day					
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched NONE					
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) USPTO EAST					
C. DOCUMENTS CONSIDERED TO BE RELEVANT					
Category* Citation of document, with indication, where a	appropriate, of the relevant passages Relevant to claim No.				
Y,P US 5,986,762 A (Challener) 16 No entire document.	evember 1999, (16/11/99) see 1-39				
	İ				
	1				
	1				
Further documents are listed in the continuation of Box (See patent family annex.				
Special categories of cited documents:	*T* later document published after the international filing date or priority				
to be of particular relevance	the principle or theory underlying the invention				
"E" earlier document published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step				
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	when the document is taken alone				
O document referring to an oral disclosure, use, exhibition or other means	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art				
P document published prior to the international filing date but later than the priority date claimed	"&" document member of the same patent family				
Date of the actual completion of the international search	Date of mailing of the international search report				
11 JULY 2000	03 AUG 2000				
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks	Authorized officer				
Box PCT Washington, D.C. 20231	MICHAEL P. STAFIRA				
Facsimile No. (703) 305-3230	Telephone No. (703) 308-488				
Form PCT/ISA/210 (second sheet) (July 1998)*					

PATEN I COOPERATION TREATY

From tile INTERNATIONAL BUREAU PCT NOTIFICATION OF THE RECORDING HOPKINS, Mark, H. OF A CHANGE Marshall, Gerstein & Borun 6300 Sears Tower (PCT Rule 92bis.1 and 233 South Wacker Drive Administrative Instructions, Section 422) Chicago, IL 60606-6402 **ETATS-UNIS D'AMERIQUE** Date of mailing (day/month/year) 04 décembre 2001 (04.12.01) Applicant's or agent's file reference 29171/36823 IMPORTANT NOTIFICATION International application No. International filing date (day/month/year) PCT/US00/13283 16 mai 2000 (16.05.00) 1. The following indications appeared on record concerning: the applicant the inventor the agent the common representative Name and Address State of Nationality State of Residence FLORIDA INTERNATIONAL UNIVERSITY US US **University Park** Telephone No. PC 525 Miami, FL 33199 United States of America Facsimile No. Teleprinter No. 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: the person the name the address the nationality the residence Name and Address State of Nationality State of Residence THE FLORIDA INTERNATIONAL US US UNIVERSITYN BOARD OF TRUSTEES Telephone No. University Park PC 525 Miami, FL 33199 Facsimile No. United States of America Teleprinter No. 3. Further observations, if necessary: The agent has also been changed as mentioned above. 4. A copy of this notification has been sent to: X the receiving Office the designated Offices concerned the International Searching Authority the elected Offices concerned the International Preliminary Examining Authority other: Authorized officer The International Bureau of WIPO 34, chemin des Colombettes Philippe Bécamel 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 Telephone No.: (41-22) 338,83,38

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

10:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202

Date of mailing (day/month/year)

04 April 2001 (04.04.01)

International application No.

PCT/US00/13283

International filing date (day/month/year)

16 May 2000 (16.05.00)

ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Applicant's or agent's file reference

29171/36823

Priority date (day/month/year)

17 May 1999 (17.05.99)

TAO, Nongjian et al

Applicant

۱	The designated Office is hereby notified of its election made:
	X in the demand filed with the International Preliminary Examining Authority on:
	05 December 2000 (05.12.00)
	in a notice effecting later election filed with the International Bureau on:
2	. The election X was
	was not
	made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland

Authorized officer

R. Forax

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